

Prob 12  
(Rev. 3/88)

**UNITED STATES DISTRICT COURT  
For The  
WESTERN DISTRICT OF PENNSYLVANIA**

**U.S.A. vs. Justin Swoger**

**Docket No.: 0315 2:07CR00340**

**Petition on Supervised Release**

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Justin Swoger, who was placed on supervision by the Honorable Terrence F. McVerry, sitting in the Court at Pittsburgh, Pennsylvania, on the 13th day of November, 2009, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Pay \$100 special assessment.
- Drug testing, and treatment, if necessary.
- Participate in alcohol treatment.
- Shall not consume alcoholic beverages.

11/13/09: Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone; 19 months' imprisonment and 3 years' supervised release.

01/29/10: Released to supervision; currently supervised by USPO Tracey J. Begonia.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE  
AS FOLLOWS:**

Your Petitioner reports that the defendant has violated the following conditions of supervised release:

**Shall not commit another Federal, state, or local crime.**

The defendant has been charged with Simple Assault, Criminal Mischief, and Harassment in Washington County, Pennsylvania. The alleged offense occurred on June 7, 2011. The case is pending in the Washington County Court of Common Pleas.

**Shall refrain from any unlawful use of a controlled substance.**

**Shall participate in a program of testing and, if necessary, treatment for substance abuse as directed by the probation office.**

The defendant tested positive for illegal substances as follows: August 25, 2010 for cocaine and oxycodone; November 10, 12, 18, 2010, December 2, 2010, January 12, 2011, and June 10 and 20, 2011 for oxycodone. He admitted use of oxycodone on December 27, 2010. Lab results from a specimen collected on January 3, 2011 indicate that specimen was substituted. The defendant also admitted that he had on more than one occasion circumvented the drug testing process by providing another individual's urine. On June 21, 2011, the defendant admitted using Opana on more than one occasion. Finally, the defendant failed to attend drug outpatient sessions beginning May 5 until June 20, 2011 and failed to show for scheduled drug testing on July 11, 2011.

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**Shall not leave the judicial district without the permission of the court of probation officer.**

The defendant traveled to Ocean City, Maryland, without permission from approximately August 21 through August 25, 2010.

**Shall pay a \$100 special assessment.**

The defendant failed to make any payments toward the special assessment and the balance remains due in full.

PRAYING THAT THE COURT WILL ORDER that the supervised release appear in Federal Court, Courtroom No. 6C, Sixth Floor, U.S. Post Office and Courthouse, Pittsburgh, Pennsylvania, with legal counsel on \_\_\_\_\_ at \_\_\_\_\_ to show cause why supervision should not be revoked.

**ORDER OF COURT**

Considered and ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ and ordered filed and made a part of the records in the above case.

\_\_\_\_\_  
U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed  
on

July 15, 2011

\_\_\_\_\_  
Tracy J. Begonia  
U.S. Probation Officer

\_\_\_\_\_  
Michael DiBiasi  
Supervising U.S. Probation Officer

Place:

Pittsburgh, PA